THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.23086 of 2006

Dated: .11.2006

Between:

S. Somla.

.... PETITIONER

AND

APSRTC, Musheerabad, Hyderabad, rep. by its Managing Director and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.23086 of 2006

ORDER

The petitioner was appointed as Driver in the respondent Corporation in the year 1992. While so, on 06.10.2006, the bus driven by him, met with an accident, which resulted death of a scooterist. After conducting preliminary enquiry, he was placed under suspension and issued with a charge sheet dated 20.10.2006. Questioning the said suspension-cum-charge sheet dated 20.10.2006, the present writ petition is filed.

2. Learned counsel for the petitioner submits that the scooterist himself hit the right side rear tire of the bus with high speed and there is no negligence on the part of the petitioner. He further submits that unless and until there is a prima facie finding of alleged negligence on the part of the petitioner, keeping him under suspension pending enquiry is illegal and arbitrary and he ought to have continued in service.

3. Heard the learned counsel for the petitioner at length and the learned Standing Counsel for the respondent-Corporation.

4. In service jurisprudence, suspension pending enquiry

basing on the preliminary enquiry report is not a punishment. It is too early and premature to come to a conclusion that the petitioner has not committed such an accident. In the enquiry, if the charges leveled against the petitioner are not proved, his suspension will be revoked and he will be paid all the consequential benefits. Hence, it is not proper for this Court to interfere with the order of suspension pending enquiry, and more so when suspension pending enquiry is not a punishment.

5. However, the petitioner is at liberty to submit his explanation to the charges leveled against him, and if the petitioner submits his explanation, the respondents shall consider the case of the petitioner for revocation of suspension taking into consideration of the explanation that may be submitted by the writ petitioner.

6. With the observations as above, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Dated: 14.11.2006

sj